

TOWN BOARD

The Town Board, Town of Highlands, held a meeting on Monday, November 14, 2016 at Town Hall, 254 Main St, Highland Falls, NY at 7:00pm.

PRESENT: Mervin R. Livsey ---- Supervisor
Tyrone King ---- Council Member
June Gunza ---- Council Member
Adrienne T. Voltaire ---- Council Member

ABSENT: William Edsall ---- Council Member

Supervisor Livsey opened the meeting at 7:00pm.

PUBLIC COMMENT

No public comment.

MINUTES

Council Member Gunza made a motion seconded by Council Member Voltaire to accept the minutes, from the November 14 Town Board meeting, as prepared by the Town Clerk.

MOTION CARRIED: 4-ayes (Livsey, King, Gunza, Voltaire)
0-nays
1-absent

FINANCIAL

Accounts Payable

Supervisor Livsey stated that the Town paid out \$86,424.09.

Budget Transfers

Council Member Gunza made a motion seconded by Council Member Voltaire to transfer \$50 from Town Hall Renovations to Town Clerk printing.

MOTION CARRIED: 4-ayes (Livsey, King, Gunza, Voltaire)
0-nays
1-absent

Council Member Voltaire made a motion seconded by Council Member King to transfer \$200 from Assessor Legal Action Fees to Assessor Vehicle Maintenance.

MOTION CARRIED: 4-ayes (Livsey, King, Gunza, Voltaire)
0-nays
1-absent

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Council Member Voltaire made a motion seconded by Council Member King to transfer \$350 from Officials Liability Insurance to Town Board Training.

MOTION CARRIED: **4-ayes (Livsey, King, Gunza, Voltaire)**
 0-nays
 1-absent

Council Member Voltaire made a motion seconded by Council Member Gunza to transfer \$3,000 from Building Inspector Salary to Building Clerk Salary.

MOTION CARRIED: **4-ayes (Livsey, King, Gunza, Voltaire)**
 0-nays
 1-absent

Council Member Gunza made a motion seconded by Council Member Voltaire to transfer \$70 from Building Dept. Fuel to Building Dept. Training.

MOTION CARRIED: **4-ayes (Livsey, King, Gunza, Voltaire)**
 0-nays
 1-absent

Council Member Gunza made a motion seconded by Council Member King to transfer \$1,000 from Sanitation Fuel to Sanitation Equipment.

MOTION CARRIED: **4-ayes (Livsey, King, Gunza, Voltaire)**
 0-nays
 1-absent

Council Member Gunza made a motion seconded by Council Member Voltaire to transfer \$850 from Ambulance Fuel to Ambulance Utilities.

MOTION CARRIED: **4-ayes (Livsey, King, Gunza, Voltaire)**
 0-nays
 1-absent

Council Member Gunza made a motion seconded by Council Member Voltaire to transfer \$50 from Town Hall Renovations to Town Clerk printing.

MOTION CARRIED: **4-ayes (Livsey, King, Gunza, Voltaire)**
 0-nays
 1-absent

Council Member Voltaire made a motion seconded by Council Member Gunza to transfer \$75 from Water District #2 Bond Interest to Water District #2 Bond Principal.

MOTION CARRIED: **4-ayes (Livsey, King, Gunza, Voltaire)**
 0-nays
 1-absent

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Council Member Voltaire made a motion seconded by Council Member King to transfer \$3,000 from Other Recreation Revenue to Recreation Supplies.

MOTION CARRIED: **4-ayes (Livsey, King, Gunza, Voltaire)**
 0-nays
 1-absent

Supervisor Livsey said that Mr. Falk was up at the gym doing a basketball clinic for 4-5 year olds.

BOARD REPORTS

Council Member King

Council Member King stated that he attended the Senior Citizen Advisory Committee meeting.

Supervisor Livsey said there will be an ad in this week's paper for a Senior Coordinator and Recreation Assistant.

MaryJane Pitt said she attended a flower arranging class at the Senior Center and it was great. Ms. Pitt said she would like to see more classes offered.

Council Member King said he is trying to get more organized activities for the seniors.

Council Member Gunza

Council Member Gunza reported that she represented the Town at the Community Engagement meeting at West Point. Ms. Gunza said there was discussion on the new trash situation and Mine Dock Park.

Council Member Gunza said she attended a table top exercise for an Emergency Action Plan for Lusk Reservoir.

Council Member Gunza stated that she also attended the Highland Falls Waterfront Feasibility Study meeting. Ms. Gunza said there should be information for the public on Thursday.

Council Member Voltaire

Council Member Voltaire reported that the Highland Falls Intermediate School had the opening of their new playground. Ms. Voltaire said the playground is very nice.

Council Member Voltaire thanked the Town Clerk for her hard work on Election Day.

Supervisor Livsey said it is nice that the School is inviting Town officials to attend these events.

Chief Quinn

Chief Quinn reported that he has a request from "Answer to Cancer" to contract officers for their race in the spring. The Chief said the contract would be the same as last time.

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Chief Quinn stated that he has a request from James I. O'Neill High School asking to contract officers for their girls and boys basketball games.

Chief Quinn said he received brochures that pertain to senior fraud prevention.

Supervisor Livsey said he received the same information and has asked the Town Clerk to obtain more copies. The Supervisor asked Council Member King to organize a time when this can be reviewed with the seniors.

Chief Quinn said he has a request from some of his officers to be allowed to carry their personal rifles on duty. The Chief said many departments allow this and there would be certain procedures for this.

Mr. Rider said he reviewed the policy and made one clarification. Mr. Rider stated that "annual inspection required" should be included in the policy.

Supervisor Livsey asked who generated the policy.

Mr. Rider said the Chief would do this under administrative functions, but the Town Board would be able to see it.

Council Member Voltaire asked if this would cost the Town anything.

Chief Quinn said there would be no additional cost to the Town.

Chief Quinn said the Town of Highlands was rated #4 safest cities in New York in the Safewise report.

Supervisor Livsey asked Ms. Blauvelt to put something on the website about that.

SUPERVISOR'S REPORT

Supervisor Livsey reported that he attended the Veteran's Day Ceremony at the Firehouse. The Supervisor thanked American Legion Commander John Flynn for the great job he did.

Supervisor Livsey said he met with Judge Fredman and John Sarcone. Supervisor Livsey said the infrastructure going in on Miles Lane is being paid for by the Trust. The Supervisor said Phase 4 is being talked about, which will go up by Corbin Hill, and if it gets done there will be a loop.

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Supervisor Livsey said that, at the last meeting, it was announced that Senator Larkin had secured a \$250,000 grant for the Town to help with the transition after the West Point transfer station closes. The Supervisor said the Preliminary Application has been submitted, but it could take a couple of months before we hear anything else. The Supervisor also stated that it could be at least a year before the money is seen.

Supervisor Livsey stated that on November 30 at 11:30am the 39th annual Senior Recognition Luncheon will be held at the Holy Innocents Church. The Supervisor said you must RSVP if you are attending.

GENERAL BUSINESS

Police Commissioner – Dan Ricci

Mr. Ricci said there is a severe shortage of police personnel in the Village and he is asking the Town to consider entering into an agreement to help with police protection. Mr. Ricci said he has the document with him and would be willing to discuss this later, if the Board is interested.

Supervisor Livsey said the Board will be going into an executive session to discuss this and asked Mr. Ricci to join them.

2017 Budget

Supervisor Livsey said the budget being adopted tonight is almost the same as the one at the public hearing. The Supervisor said the only difference is \$3,000 was put back in to the Summer Recreation Personnel budget line.

Council Member Voltaire said she thought more was changed.

Ms. Blauvelt said the other changes were made before the public hearing.

Council Member Gunza made a motion seconded by Council Member King to adopt the 2017 budget. BUDGET ADOPTED.

MOTION CARRIED: **4-ayes (Livsey, King, Gunza, Voltaire)**
 0-nays
 1-absent

Local Law #3 – Code change MHP

Supervisor Livsey said the Board plans to introduce and set a public hearing for Local Law #3 of 2016 – Code change for Mobile Home Parks.

Erik Smith said he will need time to look at this and speak to his consultant.

Mr. Rider said the public hearing is being scheduled for December 12.

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Supervisor Livsey said he wants comments at the public hearing.

Mr. Smith said he has been reviewing this code change and he has some concerns. Mr. Smith said he would also like to see what the County has to say.

Mr. Rider said this is a draft and the attempt is to clarify short-term stays. Mr. Rider said getting the law correct is more important than getting it done quickly.

James Ramus asked the Board if they have seen any maps of the mobile home park.

Supervisor Livsey said he has one showing 150 spaces, but would need something more professional.

Mr. Rider said he saw a comprehensive map that the Building Department has. Mr. Rider said there are two sites in the Town and also one in the Village.

Mr. Rider said the law needs to be ready two weeks before the public hearing. Mr. Rider also stated that the public hearing can be held open or a new one scheduled if needed.

Council Member King made a motion seconded by Council Member Gunza to schedule a public hearing to introduce Local Law #3 of 2017 – A local law amending Chapter 130 entitled “Mobile Homes” in the code of the Town of Highlands.

RESOLUTIN ADOPTED: 4-ayes (Livsey, King, Gunza, Voltaire)

0-nays

1-absent

******RESOLUTION ATTACHED******

MS-4 Public Hearing

Supervisor Livsey said this will be an information meeting where Al Fusco will make a presentation. The Supervisor said this is something that DEC requires be done yearly and it has to do with the management of stormwater.

Council Member Gunza made a motion seconded by Council Member Voltaire to adopt the resolution to schedule a public hearing for the MS-4 reporting requirements.

RESOLUTIN ADOPTED: 4-ayes (Livsey, King, Gunza, Voltaire)

0-nays

1-absent

******RESOLUTION ATTACHED******

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Corbin Hill Asset Purchase Agreement

Mr. Rider said the Board previously discussed taking over the Corbin Hill water system. Mr. Rider said there is work that has to be done and he is waiting on the final exhibits for the work performed and inspections needed. Mr. Rider hopes to have the finalized agreement by the next Town Board meeting.

MOU – Phase III Water Project

Mr. Rider stated that Phase III is a continuation of the work by the Trust and will cost the Town nothing.

Council Member Voltaire made a motion seconded by Council Member King to authorize the Supervisor to sign the MOU between the Trust and the Town of Highlands for Phase III of the water project.

RESOLUTION ADOPTED: 4-ayes (Livsey, King, Gunza, Voltaire)

0-nays

1-absent

******RESOLUTION ATTACHED******

Folchetti Proposal

Supervisor Livsey said there was money for the School Street Bridge, but that was done with different grant money. The Supervisor stated that money will be used for curbing on Franklin St, Cherry St and Hemlock St.

Council Member Gunza made a motion seconded by Council Member King to authorize the Supervisor to sign the agreement with Folchetti Associates.

MOTION CARRIED: 4-ayes (Livsey, King, Gunza, Voltaire)

0-nays

1-absent

Police

Council Member Gunza made a motion seconded by Council Member King to allow Chief Quinn to sign an agreement to provide police presence at the “Answer to Cancer” race in June at a rate of \$50 per hour.

MOTION CARRIED: 3-ayes (King, Gunza, Voltaire)

0-nays

1-absent

1-abstain (Livsey)

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Council Member Voltaire made a motion seconded by Council Member King to allow Chief Quinn to provide officers to James I. O'Neill, at a rate of \$50 per hour, for the girl's and boys' basketball games.

MOTION CARRIED: **3-ayes (Livsey, King, Gunza, Voltaire)**
 0-nays
 1-absent
 1-abstain (Livsey)

Council Member Gunza made a motion seconded by Council Member Voltaire to allow Chief Quinn to prepare an in-house policy allowing officers to carry their personal rifles/shotguns within the regulations.

MOTION CARRIED: **3-ayes (Livsey, King, Gunza, Voltaire)**
 0-nays
 1-absent
 1-abstain (Livsey)

OTHER BUSINESS

Ms. Blauvelt said that she had a company in last week to give a demo on a new software. Ms. Blauvelt said everyone that attended seemed to like it. Ms. Blauvelt said she received a quote and will have more information at the next meeting.

PUBLIC COMMENT

Jim Ramus asked if there had been any progress on the zombie poles.

Supervisor Livsey said he didn't know.

Mr. Ramus asked about the leftover money in the Planning Board budget after the consolidation.

Ms. Blauvelt said she has nothing new since she has been on vacation.

Supervisor Livsey said the Village already pays.

Mr. Ramus asked if anyone new when the next Consolidation meeting would be.

Supervisor Livsey said Council Member Edsall is not here, but he did speak with him and he was not sure when it would be.

Mr. Ramus asked why the Town police could not provide protection for free.

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Chief Quinn said the mutual aid is free.

Mr. Ramus asked if there was Wi-Fi available in the courtroom so he would be able to access the Code while at a meeting.

Ms. Blauvelt said there was.

EXECUTIVE SESSION

Supervisor Livsey made a motion seconded by Council Member Gunza to go into executive session to discuss Town/Village police negotiations. Board went into executive session at 8:25pm.

MOTION CARRIED: 4-ayes (Livsey, King, Gunza, Voltaire)
0-nays
1-absent

Council Member King made a motion seconded by Council Member Voltaire to close the executive session. Executive session closed at 9:20pm.

MOTION CARRIED: 4-ayes (Livsey, King, Gunza, Voltaire)
0-nays
1-absent

ADJOURN

Council Member Voltaire made a motion seconded by Council Member Gunza to adjourn the meeting. Meeting adjourned at 9:21pm.

MOTION CARRIED: 4-ayes (Livsey, King, Gunza, Voltaire)
0-nays
1-absent

RESOLUTION

OF

NOVEMBER 14, 2016

A RESOLUTION TO SCHEDULE A
PUBLIC HEARING IN CONNECTION
WITH THE TOWN OF HIGHLANDS ANNUAL
MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS-4)
REPORTING REQUIREMENTS

Council Member **Gunza** moved the following resolution which was seconded by Council **Voltaire**.

WHEREAS, the Town of Highlands is a participating municipality in the Municipal Separate Storm Sewer Systems (“MS-4”) program as administered by the New York State Department of Environmental Conservation; and

WHEREAS, the legislation and regulations thereon require public education, outreach and involvement; and

WHEREAS, the Town of Highlands will conduct a public hearing on the **12th** day of **December, 2016**, to provide information to the public about MS-4.

NOW, THEREFORE, BE IT RESOLVED that a public hearing shall be held to receive comments and to provide information about MS-4 on **December 12, 2016 at 7:00 p.m.** at the Town Hall located at 254 Main Street, Highland Falls, New York; and

BE IT FURTHER RESOLVED, that the Town Clerk shall give notice of such public hearing specifying the time when and the place where such public hearing will be held by publication and posting; and

BE IT FURTHER RESOLVED that the aforesaid resolutions shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Tyrone King, Councilman	voting	Aye
June Gunza, Councilwoman	voting	Aye
Adrienne T. Voltaire, Councilwoman	voting	Aye
William Edsall, Councilman	voting	Absent
Mervin R. Livsey, Supervisor	voting	Aye

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and Adopted at a meeting of the Town Board, Town of Highlands, on November 14, 2016.

June Patterson, Town Clerk

RESOLUTION
OF
NOVEMBER 14, 2016
A RESOLUTION APPROVING
ANNUAL TOWN BUDGET FOR 2017

Council Member **Gunza** moved the following resolution which was seconded by Council Member **King**.

WHEREAS, the Town Board of the Town of Highlands, duly held on October 24, 2016 commencing at 7:00 o'clock p.m., a public hearing on the preliminary budget approved by this Board and filed with the Town Clerk for the fiscal year commencing January 1, 2017; and

WHEREAS, the matter of the budget for this Town for the upcoming fiscal year having been fully discussed, modified and considered, it is

NOW, THEREFORE,

RESOLVED, that the preliminary budget, as revised and amended by the Town Board and hereinafter set forth, is hereby adopted as the annual budget of the Town of Highlands for the fiscal year beginning January 1, 2017, and that the same shall be entered into the minutes of the Town Board, and be it further

RESOLVED, that the Town Clerk of this Town shall prepare and certify as provided by law, duplicate copies of said annual budget hereby adopted, and deliver such copies to the Supervisor of the Town who shall present such copies of the annual budget to the Legislature of the County of Orange as required by law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Tyrone King, Councilman	voting Aye
June Gunza, Councilwoman	voting Aye
Adrienne T. Voltaire, Councilwoman	voting Aye
William Edsall, Councilman	voting Absent
Mervin R. Livsey, Supervisor	voting Aye

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and Adopted at a meeting of the Town Board, Town of Highlands, on November 14, 2016.

June Patterson, Town Clerk

RESOLUTION

OF

NOVEMBER 14, 2016

A RESOLUTION TO AUTHORIZE
A CONTRACT BETWEEN THE SAMUEL G. FREDMAN
WATER TRUST AND THE TOWN OF
HIGHLANDS WATER DISTRICT #2
IN CONNECTION WITH THE WATER DISTRICT
INCREASE TO MAXIMUM EXPENDITURE: PHASE III

Council Member **Voltaire** moved the following resolution which was seconded by Council Member **King**.

WHEREAS, the Town of Highlands on behalf of Town of Highlands Water District #2 has passed an Order of Public Interest in the matter of the Town of Highlands Water District #2 increase to maximum expenditure (the “Project”);

WHEREAS, the Town Board has contracted with the Samuel G. Fredman Water Trust in accordance with an Agreement entered into in June 2012, and again in September 2013, allocating the responsibility for payment of the costs of Water Project Phase I and Phase II (the “Contracts”); and

WHEREAS, Phase I and Phase II have been successfully completed and the parties have agreed to a Phase III in accordance with the agreement attached hereto as Exhibit A (the “2016 Agreement”); and

WHEREAS, the Town Board on behalf of itself and Water District #2 deems it to be in the public interest for the Town of Highlands to enter into the Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Highlands on behalf of Water District #2 hereby does approve and authorize the entry into and execution of

the 2016 Agreement in substantially the form attached hereto and does hereby ratify all prior actions of the Board in the negotiation of the 2016 Agreement; and

BE IT FURTHER RESOLVED, the Supervisor is hereby authorized and empowered to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town of Highlands Water District #2, all such certificates, agreements, documents and papers as may be necessary to effectuate and carry out the contents of the foregoing resolutions and agreements; and

BE IT FURTHER RESOLVED that the aforesaid resolutions shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Tyrone King, Councilman	voting	Aye
June Gunza, Councilwoman	voting	Aye
Adrienne T. Voltaire, Councilwoman	voting	Aye
William Edsall, Councilman	voting	Absent
Mervin R. Livsey, Supervisor	voting	Aye

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and Adopted at a meeting of the Town Board, Town of Highlands, on November 14, 2016.

June Patterson, Town Clerk

RESOLUTION
OF
NOVEMBER 14, 2016

A RESOLUTION TO INTRODUCE AND
SCHEDULE A PUBLIC HEARING TO RECEIVE
PUBLIC COMMENTS CONCERNING THE ENACTMENT OF
A LOCAL LAW AMENDING CHAPTER 130 ENTITLED
“MOBILE HOMES” IN THE CODE OF
THE TOWN OF HIGHLANDS
AND AMENDING OTHER TOWN CODE
ZONING PROVISIONS
CONCERNING MOBILE HOMES

Council Member **King** moved the following resolution which was seconded by Council Member **Gunza**.

BE IT RESOLVED, that INTRODUCTORY LOCAL LAW NO. 3 OF 2016 entitled “A Local Law Amending Chapter 130 entitled ‘Mobile Homes’ in the Code of the Town of Highlands and Amending other Town Code Zoning Provisions Concerning Mobile Homes” be and hereby is introduced before the Town Board of the Town of Highlands in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that pursuant to Municipal Home Rule Law Section 20, a public hearing shall be held to receive comments concerning the enactment of said Local Law on December 12, 2016 at 7:00 p.m. at the Town Hall located at 254 Main Street, Highland Falls, New York, and

BE IT FURTHER RESOLVED that the Town Clerk give notice of such public hearing specifying the time when and the place where such public hearing will be held by publication and posting in accordance with the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Tyrone King, Councilman	voting	Aye
June Gunza, Councilwoman	voting	Aye
Adrienne T. Voltaire, Councilwoman	voting	Aye
William Edsall, Councilman	voting	Absent
Mervin R. Livsey, Supervisor	voting	Aye

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a meeting of the Town Board, Town of Highlands, on November 14, 2016.

June Patterson, Town Clerk